

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

THEODORE BARBEE,)
v. Plaintiff,) No. 1:08-CV-265
MICHAEL J. ASTRUE,) Judge Collier / Ju
Commissioner of Social Security,)
Defendant.)

JUDGMENT ORDER

On November 2, 2009, United States Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 19). Neither party objected to the R&R within the given ten days.

After reviewing the record, this Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations.

Accordingly, the Court **ORDERS**:

- (1) The defendant's motion for summary judgment (Court File No. 17) is **GRANTED**;
- (2) The plaintiff's motion for judgment on the pleadings (Court File No. 13) is **DENIED**; and
- (3) The Commissioner's decision, denying the plaintiff supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1385, is **AFFIRMED**.

SO ORDERED.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE